

BLD-236

July 14, 2011

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 11-2303

NICHOLAS E. PURPURA;
DONALD R. LASTER, JR., Appellants

v.

KATHLEEN SEBELIUS, Individually and as Secretary of the United States Department
of Health and Human Services; ET AL.

(D.N.J. Civ. No. 10-4814)

Present: SLOVITER, JORDAN AND GREENAWAY, JR., Circuit Judges

Submitted are

- (1) Appellants' Motion for a Temporary Restraining Order;
- (2) Appellants' Motion to Vacate Clerk's Order Granting Extension of Time;
- (3) Appellees' Response;
- (4) Appellants' Reply;
- (5) Appellants' Letter Dated July 5, 2011, Which the Court May Wish to Construe as a Request Under the Freedom of Information Act;
- (6) Appellants' Motion for Default of Appeal and Order for Declaratory Relief; and
- (7) Appellants' Motion for Entry of Default, filed July 25, 2011

in the above-captioned case.

C.A. No. **11-2303**

NICHOLAS E. PURPURA;
DONALD R. LASTER, JR., Appellants

v.

KATHLEEN SEBELIUS, Individually and as Secretary of the United States Department
of Health and Human Services; ET AL.

Page 2

Respectfully,

Clerk

MMW/JJA/dwb

ORDER

The appellants' motion for an injunction pending appeal is denied. The appellants have failed to meet their burden of showing that they are likely to succeed on the merits of their appeal or that they will be irreparably injured absent an injunction. See Republic of Philippines v. Westinghouse Elec. Corp., 949 F.2d 653, 658 (3d Cir. 1991).

The appellants' motion to vacate the order granting the government an extension of time to file a response brief is denied. We are satisfied that the government has shown "good cause" for its request. See 3d Cir. L.A.R. 31.4. Appellants' motion for default of appeal and order for declaratory relief is also denied.

The appellants' motion requesting that the Court disclose the names of those judges who have recused themselves from this case is denied. The Freedom of Information Act, upon which the appellants rely, does not require federal courts to disclose their records. See 5 U.S.C. §§ 551(1)(B), 552(a)(3).

The appellants' motion for entry of default is denied.

By the Court,

/s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: August 1, 2011

Appeal No. 11-2303
Nicholas Purpura, et al v. Kathleen Sebelius, et al
Page 3

DWB/cc:

Nicholas Purpura
Donald R. Laster, Jr.
Dana Kaersvang, Esq.
Alisa B. Klein, Esq.
Mark B. Stern, Esq.